

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Closed Captioning of Video Programming)	CG Docket No. 05-231
)	
Telecommunications for the Deaf, Inc.)	
Petition for Rulemaking)	

**REPLY COMMENTS OF THE
WGBH NATIONAL CENTER FOR ACCESSIBLE MEDIA
(NCAM)
December 16, 2005**

Submitted By:
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SUMMARY

The WGBH National Center for Accessible Media (NCAM) offers the following reply comments to the Federal Communications Commission in response to the Commission's Notice of Proposed Rulemaking in the above-captioned proceeding. NCAM believes that while video program providers and distributors have made remarkable progress in captioning a majority of television programming, gaps exist that must be rectified by Commission action. The complete absence of any benchmarks or guidelines for technical and content quality or monitoring of caption delivery has resulted in great frustration on the part of caption consumers and added burdens on caption providers for trouble-

shooting problems caused by other entities. Expectations of caption consumers are not for "perfection" as some commenters have suggested but rather for improvements, lessening of failures and clear indications that Commission rules will not rely on voluntary industry efforts. New captioning technologies are also needed and it is the responsibility of caption agencies, their clients, and the television industry, not the FCC, to foster such developments. In addition, a more streamlined and clear complaint process will serve all concerned parties.

Absence of caption quality regulations

There is nothing in the Commission's rules today that would prevent a programmer or distributor from captioning only every other word of a TV program and claiming compliance with caption rules. Some degree of measurement is needed. Such measurements should incorporate measures of completeness, timeliness and accuracy as delineated in the comments of AMIC. Mitigating factors should of course be taken into account and *de minimis* failures should not be subject to fines. In fact, if HBO's quality control program, as described in their filing, was enacted by each and every cable program provider and national and local broadcaster, this proceeding would not be necessary. Unfortunately, HBO's laudable and long-standing quality control procedures appear to be more the exception than the rule in both the cable and broadcasting sectors.

New technologies and methods for captioning live programs

Automatic speech recognition (ASR) technology is a promising additional resource for captioning of TV programs. However, experts in the field recognize

that the requirements for live TV captioning for high-speed transcription (250 wpm or more), high-level of accuracy, independent speakers, connected speech and large vocabulary can only be handled today by human stenocaptioners. Advances in ASR are anticipated eventually¹, but growth and improvement in this field will only be spurred if a high degree of quality and accuracy are demanded by those who would purchase such systems. If, as NAB states, such systems can provide 90% accuracy today (a very low threshold, but even so, one rarely reached by ASR systems), we would have expected to see more widespread use of such systems, especially in the absence of any accuracy requirements. With concerted efforts by program providers and distributors, with involvement by caption users and providers, ASR may someday prove a valuable tool for live captioning. In no case should a lower level of accuracy be considered based on the technology used to create captions – consumers will not be served by allowing lower-cost systems to provide lower-levels of quality. To appropriately serve the marketplace, new alternatives must provide equal levels of access and quality.

Regarding electronic newsroom technology (ENT), NAB stated that this form of captioning can serve most of the needs of caption consumers in smaller markets.

NAB says, "While [the Commission] recognized that stations using ENT may

¹ The CSUN "Automatic Closed Captioning" paper cited by MPAA in its comments (footnote #3) was based on a prototype system that demonstrated automated synchronization of *existing* transcripts to program audio in the post-production, not live, environment. That is, such a system still required full and accurate transcription of program audio – the major and most-labor-intensive aspect of captioning – and cannot handle live news captioning.

have some unscripted portions of the newscasts uncaptioned, the Commission balanced this against the cost of live captioning and the absence of a large pool of trained stenocaptioners. It chose to urge stations to script (and therefore caption) additional portions of their news programs..."

We agree that additional scripting can and should help fill gaps in ENT captioning, but such techniques are rarely employed. The use of newsroom staff or low-paid interns to add text reflecting unscripted portions of the news would have been welcome by caption consumers in small markets. But since this practice is so rare, caption consumers have turned to demanding additional live stenocaptioning. If greater voluntary efforts would have been made, perhaps use of ENT captioning would not be so objectionable to consumers and regulatory proceedings like the present one would become necessary.

NAB in its comments "urges the Commission to work with industry to develop feasible solutions for improved, but cost-effective methods of news captioning, including the development of voice-recognition and other technologies," and says the Commission should be engaged in, "fostering the development of new captioning technologies." While the Commission does not have the mandate, knowledge or resources to develop such technologies, the captioning industry does, and welcomes NAB's investment in developing such technologies for our mutual benefit, and that of caption consumers.

Standards

Comments filed by NCAM and AMIC in this proceeding indicate that caption providers welcome intervention by the Commission in order to assure higher caption quality, and that standards should be established that are quite exacting and appropriate for the type of captioning provided. Therefore, NAB's comment that, "imposing arbitrary quality standards, therefore, may inadvertently undermine the judgment of the captioner" ignore the strongly stated views of those same captioners. And certainly no one is suggesting any such standards be "arbitrary." NAB suggests that "best efforts" substitute for clear error rates or benchmarks, an approach seemingly more arbitrary than well-thought-out measures that serve comprehension and readability. Certainly no other television industry standard is guided by "best efforts."

Reform of complaint process

In its comments, "NAB recognizes that timely responses to captioning complaints best serve American consumers." We concur. NAB urged, "... the Commission to consider utilizing a model similar to that adopted in the FCC's Video Description Order. ... by requiring that the Commission promptly forward complaints to a broadcast station or multichannel video provider. In turn, the broadcaster or MVPD would generally have 30 days in which to respond..."

Conclusion

As we approach the January 1, 2006 deadline for virtually all television to be closed captioned, it is clear that a definition of closed captioning is needed, one

that takes into account completeness, accuracy, and timeliness. Along with a reformed complaint process and heightened attention to new captioning technologies, caption agencies and program providers will be able to assure caption consumers that the level of service expected by them and intended by Congress can be provided.

Respectfully submitted,

A handwritten signature in black ink, reading "Larry Goldberg". The signature is written in a cursive, flowing style.

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